

JUL 09 2004

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PTO/SB/97 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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on July 9, 2004
Date

Patti Hespell
Signature

PATTI HESPELL

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

1. 37 CFR 1.28(c) Notification (2 pgs.)
2. Fee Transmittal in duplicate (2 pgs.)
3. Certificate of Transmission (1 pg.)

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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T709-12

CERTIFICATE OF TRANSMISSION/MAILING (37 CFR 1.8)

PATENT

I hereby certify that this correspondence is being facsimile transmitted to the USPTO (Fax No. 703-872-9306) or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

Date: July 9, 2004

Patti Hespell
Patti Hespell

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION/SERIAL NUMBER	371 FILING DATE	ATTY/OKT. NO.
09/857,257	1 JUNE 2001	T709-12
FIRST NAMED INVENTOR	PART UNIT	
ELDERING	2161	
TITLE	EXAMINER	
ADVERTISEMENT AUCTION SYSTEM	MYHRE, J	

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

**NOTIFICATION OF ERROR IN PAYMENT OF FEE(S)
AS A SMALL ENTITY (37 CFR 1.28(c))**

The above noted patent application was filed and prosecuted as a small entity. While the assignee of the patent application is and has always been a small entity (Expanse Networks, Inc is the current assignee of the complete interest), a license was granted to Next Level Communications, Inc for the period of time from December 15, 1999 to January 15, 2002. Applicants erroneously believed that the patent application was still entitled to small entity status during this time frame. Applicant has recently discovered that the license to Next Level Communications, Inc. (possibly a large entity for at least a portion of this time) may have affected their small entity status during this time frame.

Accordingly, Applicant has diligently gathered data related to fees paid as a small entity during the term of the license. The table on the next page summarizes for each applicable action (item and date) the fees paid as a small entity, the current large entity fee, and the current amount owed as a result of small entity payment error.

The above noted patent application is currently entitled to small entity status.

37 CFR 1.28(c) Notification

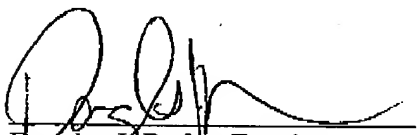
-1-

Patent Application No. 09/857,257

Item	Date	Small Entity Fee Paid	Current Large Entity Fee	Amount to be Paid
Basic 371 Application Filing Fee	06/01/01	\$345	\$730	\$385
Additional Claims Fee (26 claims)	Appears the PTO failed to collect additional fees	0	\$468	\$468
Additional Ind. Claims Fee (7 claims)	Appears the PTO failed to collect additional fees	0	\$602	\$602
TOTAL				\$1455

Please charge the above noted fees to Deposit Account 501535.

Respectfully submitted,


Douglas R. Ryder, Esquire
Reg. No. 43,073

Date: 7/9/04

Expanse Networks, Inc.
6206 Kellers Church Road
Pipersville, PA 18947
Phone: (215) 766-2100
Fax: (215) 766-2920

PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**1455.00****Complete if Known**

Application Number	09/857,257
Filing Date	1 JUNE 2001
First Named Inventor	ELDERING
Examiner Name	MYHRE, J
Art Unit	2161
Attorney Docket No.	T709-12

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit Account Number
501535Deposit Account Name
EXPANSE NETWORKS, INC.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims **46** - 46** = **0** x **Fee from below** = **Fee Paid**

Independent Claims **10** - 10** = **0** x **Fee from below** = **Fee Paid**

Multiple Dependent **36** - 36** = **0** x **Fee from below** = **Fee Paid**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity - Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) 37CFR 1.28(c) Notification					1455.00
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$)1455.00

SUBMITTED BY

Name (Print/Type)	Douglas J. Ryder	Registration No. (Attorney/Agent)	43,073	Telephone	215-766-2100
Signature		Date	July 9, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (10-03)

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for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 1455.00**Complete if Known**

Application Number	09/857,257
Filing Date	1 JUNE 2001
First Named Inventor	ELDERING
Examiner Name	MYHRE, J
Art Unit	2161
Attorney Docket No.	T709-12

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number	501535
Deposit Account Name	EXPANSE NETWORKS, INC.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

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1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
46	46** = 0	X	
Independent Claims	10	- 10** = 0	X
Multiple Dependent			

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
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**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

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1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
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1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	
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1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
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1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) 37CFR 1.28(c) Notification			1455.00
SUBTOTAL (3)			(\$) 1455.00

*Reduced by Basic Filing Fee Paid

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